

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ANALYTICAL TECHNOLOGIES, LLC,

Plaintiff,

v.

JACK IN THE BOX INC.

Defendant

CASE NO. 2:24-cv-00052-JRG-RSP

(Lead Case)

ORDER

Before the Court is Defendant Zaxby's Opposed Motion for Miscellaneous Relief. (**Dkt. No. 31.**) Therein Zaxby's contends that Plaintiff Analytical Technologies never responded to its motion to dismiss and that while Plaintiff amended the Complaint, the amendment does not meaningfully address Defendant's arguments and, in any case, was filed well after the deadline.

The Court admonishes the Plaintiff and its counsel for its failure to timely respond to Zaxby's motion and **ORDERS** Plaintiff to respond to Zaxby's Motion to dismiss within 10 days of this order. Defendant Zaxby's is permitted a reply as under the Local Rules. The Court expects Plaintiff's response to address the failure to timely respond to Zaxby's motion and, if it believes its amended complaint is a response, how the newly added material responds to Zaxby's arguments.

SIGNED this 13th day of September, 2024.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE